

REMARKS

The Office Action of April 12, 2007, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, Claims 1-3, 5-8 and 12-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Komatsu (JP 11-318985), Claims 1-6, 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher (US 5,290,270), and Claims 9-11 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Fisher or Komatsu. For at least the following reasons, Applicants respectfully traverse these rejections.

As set forth above and previously argued, the fastening system of the claimed invention includes "one or more fixing tongues extending ... only from the front end portion." Emphasis added. The Examiner's interpretation of Kotmatsu in response to Applicants' arguments, i.e., that the Office interprets the phrase "at least one" in claim language as encompassing teachings where only one of that entity exists, is not responsive. The emphasis of Applicant's arguments is that the claimed invention has a flap extending only from the front end portion, not whether there is one or more flaps. The position taken by the Examiner in this regard, ie., that the "fixing tongues of Komatsu extend only from one end of the pad", is contrary to the teaching of the Kotmatsu reference. As clearly stated therein the "absorbing body 1 is formed into a length such that end flaps 7, 8 on both end parts are protruded ..." (emphasis added). This is shown in Figures 2 and 3 of the Japanese document wherein flap 7 extends from the front end part and flap 8 extends from the rear end part. Thus, in view of flap 8 extending from the rear end part, Komatsu does not disclose one or

more fixing tongues extending only from the front end portion as recited in claim 1.

Applicants respectfully submit that claim 1 is not anticipated by Komatsu.

Moreover, claim 1 is not rendered obvious in light of Komatsu. Claim 1 recites a "fastening system including only one or more fixing tongues" and "the fixing tongue or tongues extend ... only from the front end portion", and "wherein the incontinence pad is fastened to the pair of underpants or fixing pants only by virtue of said fastening system, said fastening system preventing movement of the incontinence pad relative to the genitals of a wearer." Komatsu is intended to prevent relative movement of the pad. However, if the rear fastener were removed, the Komatsu pad 1 would no longer be effective for its intended purpose because pad 1 requires front and rear fasteners in order to not move relative to the genitals. Accordingly, Applicants respectfully contend the pending claims are not suggested by the cited reference to Komatsu.

Claims 1-6, 9-12, 14 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fisher, which discloses a man's undergarment with a disposable liner 34. Referring to Figures 1-3 of Fisher, the undergarment 10 includes a disposable liner 34 secured to garment 10 by fasteners 31/37 and opening 49 in the front end portion 48 thereof and by fastening strips 52 on the bottom surface 50 of the liner disposed rearward thereof. Thus, Fisher's device secures the pad 34 with fasteners 31/37 extending through opening 49 at its front end and with adhesive at the front and crotch sections (see claim 12). Additionally, Fisher is the type of garment that is discussed in Paragraph [0014] of Applicants' specification. As discussed therein, Fisher is undesirable as the liner 34, being attached to the brief at

the rear portion by adhesive strips 52, will move with the garment 10, rather than staying with the genitals.

Claim 1 is directed to an incontinence pad and recites a "fastening system including only one or more fixing tongues, wherein the incontinence pad is fastened to the pair of underpants only by virtue of said fastening system, said fastening system preventing movement of the incontinence pad relative to the genitals of a wearer." Emphasis added. As thus amended, responsive to the Examiner's comments, the fastening system now includes only the fixing tongue(s). In contrast, Fisher requires fasteners 31/37 on the brief in order to fasten the front portion 48 of the liner and Fisher has adhesive strips 52 on the bottom surface of the liner 34 which are not on the portion 48. The fasteners 31/37 are not part of the front portion 48 -- they are part of the brief. Adhesive strips 52 are also not disposed on the portion 48 allegedly corresponding to the claimed fixing tongue -- they are rearward thereof on the first portion 46. The liner 34 of Fisher is thus not fastened to the brief only by virtue of the fastening system, which is defined to include only the fastening tongue, i.e., the front portion 48 as interpreted by the Examier. Claim 1 is therefore not obvious in view of Fisher. For at least these reasons, Applicants respectfully submit that claims 1-6, 9-12, 14 and 18 are not rendered obvious under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above amendments and remarks, Applicant/s respectfully submit/s that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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